

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 6, "Executive Branch Ethics," Iowa Administrative Code.

Iowa Code section 68B.3 prohibits, with certain exceptions, officials or employees from selling goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or a competitively bid contract. The proposed amendments to rule 351—6.10(68B) reflect that this prohibition would include sales made to the state agency in which the official or employee serves or is employed. The rule already exempts sales made as part of the official's or employee's official state duties, and the proposed amendments do not change that exception.

The proposed amendments do not contain a specific waiver provision but are subject to waiver under the provisions of 351—Chapter 15.

Any interested person may make written comments on the proposed amendments on or before December 23, 2008. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

These amendments are intended to implement Iowa Code section 68B.2.

The following amendments are proposed.

ITEM 1. Amend rule 351—6.10(68B), introductory paragraph, as follows:

**351—6.10(68B) Prohibition on sales; when public bids required—disclosure of income.** Pursuant to Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1,~~ an official or employee shall not sell, in any one occurrence, goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding. This prohibition includes sales to the state agency in which the official serves or is employed.

ITEM 2. Amend subrule 6.10(1), introductory paragraph, as follows:

**6.10(1) Exceptions.** The prohibition in Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1,~~ and this rule shall not apply to any of the following:

ITEM 3. Amend rule **351—6.10(68B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1.~~